

1894 - 029 Chancery Causes: R. Z. Bratton vs Agnes K. Bratton
Lee Co.

Jones, Reasor, Horton, Carletts

CA-Divorce

Virginia: -

To the Hon. H. S. K. Morrison Judge of the
Circuit Court of Lee County.

Humbly complaining your Orator R. E. Bratton
would respectfully represent and shew unto
your honor that he is a citizen of said County &
State and has been domiciled therein for more
than one year, that on or about the day
of 18- he married his present wife Agnes
H. Bratton and they lived together as man and wife
only a short time until about the day of 18-
when she became untrue to him and would not
stay at home and wilfully deserted and abandoned
your orator without a cause. Your Orator therefore
charges and alleges that his present wife Agnes H.
has wilfully deserted and abandoned your
orator without any just cause, that said desertion
and abandonment has continued for more than
five years, ^{that said defendant left without your orator's consent or connivance} The object of this bill is therefore to
obtain a divorce from the bonds of matrimony
now existing between your orator and his said
wife and that the said marriage be wholly
dissolved. And to effect this ^{end} he prays that the said
Agnes H. Bratton be made a party defendant to
this bill and be required to answer the same
on oath and that upon a hearing a decree to this
end be rendered in favor of your orator, and
for all other and further relief generally - May she
issue and if necessary order of publication be made
against defendant who may be a non-resident &
your Orator will ever pray etc.

M. G. Ely,

P. V.

Pliffs Costs C

Atty 15.00

Printer 8.20

N.P. 75

\$32.93

C 8.98

Atty 15.00

Printer 8.20

N.P. 75

\$32.93

1890 to 1900

B.

1st Jan'y R. 1894 / Ely -

R. E. Bratton Peff -

VS Billie Chaucery -

Agnes K. Bratton Dft.

1894 1st Jan'y Rules Bill
filed, order pub. & d.v.

" 2nd Jan'y Rules Contd

" 1st 2 Feb'y Rules "

" 1st 2 March Rules "

" 1st 2 April Rules "

" Order pub. completed and
decreed nisi confirmed

for term 894 Decree

final Dec Chyond Bk

No 4 Page 29.

1890 to 1900

B.

R. E. Bratton Peff.

ms ~~dec~~ in toky —

Agnes K. Bratton Sept.

This cause, in which the plaintiff appears to have proceeded against the defendant, who is out of this Commonwealth, in the mode prescribed by law, against absent defendants, and she still failing to appear, and answer, came on this day to be heard on the bill, the exhibits filed and depositions of witnesses, and was argued by counsel for the plaintiff. On consideration whereof, the Court being of opinion that the charge of desertion against the defendant, is fully proved, doth adjudge, order and decree that the marriage heretofore solemnized between R. E. Brattan and Agnes K. Brattan be, and the same is hereby dissolved, the said R. E. Brattan forever divorced from his wife the said Agnes K. Brattan. And all the right, title and interest of the said Agnes K. Brattan in or to the estate, real and personal, of the said R. E. Brattan, shall henceforth cease and determine. And that the plaintiff recover from the defendant his costs, by him expended in the prosecution of this suit. And nothing further remaining to be done in this suit it is ordered that the same be stricken from the docket.

M. E. Brattan
us{{{{}}}} Dear—
Agnes M. Brattan

Ent on Chy. Ord. Book P. 29

Enter this
M. J. M.
June 12, 1894—

The depositions of C. H. Jones and others
taken before me D. C. Sewell a notary
public in and for the County of Lee and State of
Virginia, pursuant to order of publication, in Jonesville
on the 13th day of June 1894, between the hours of 9 A.M.
and 4 P.M. to be read as evidence in a certain
in, behalf of R. E. Bratten
Chancery suit pending in the Circuit Court
of Lee County wherein R. E. Bratten is plaintiff
and Agnes H. Bratten is defendant.

Present M. G. Ely atty for Plff—

C. H. Jones a witness of lawful age being sworn
deposes and says:

Ques Please state your age, occupation and residence?
ans. 23 years, Lawyer, Turkey Lane, Va

Ques. Please state whether or not you are acquainted
with R. E. Bratten the plaintiff in this suit, if so
how long have you known him?

ans I am. I have known him for two
years or more.

Ques Please state whether or not he has been a resident
of this State and County for more than one year
before Jan 1st 1894, the filing of this suit, and
where did he reside?

He has. He resided at Olinger Va
and further this deponent will state

C. H. Jones.

J. G. Meason another witness of lawful age being
introduced and sworn deposes and says,

Ques Please state name, occupation and residence;
ans 28, years, Farmer, Olinger D^a

Ques Are you acquainted with R. E. Bratten the plaintiff
in this suit and how long have you known him,
ans I am, and have known him for more
than two years.

Ques. Please state whether or not he has been a resident
of this County and state for one year preceding
the institution of this suit, Jan 1st 1894,
Yes, he has.

and further this deponent saith not.

J. G. Reason
Virginia Lee County ~~Virginia~~ to wit
I, D. F. Sewell a notary Public for
the County aforesaid in the State
of Virginia, do certify that the
foregoing depositions of C. W. Jones
& J. G. Reason were duly taken,
subscribed & sworn to before
me at the time & place & for
the purpose in the Caption
mentioned. Given under my
hand, this 13th day of June
1894 -

D. F. Sewell
N. P.

R.E. Bratton

v13 Depos

A.K. Bratton

Recd from Motory
before whom taken
filed this 13th
June 1894 -

ARB Munsey C/K

Not for 75

1 The deposition of W. J. Horton taken before me
2 George D. Livingston a Justice of the Peace & for the County
3 of Fayette, State of Pennsylvania pursuant to order of publication
4 at George D. Livingston in the City of Ohio Pyle between
5 the hours of 9 A. M. & 4 P. M. on the 9th day of Feb. 1894
6 to be read as evidence in behalf of R. E. Brattan in a certain
7 suit in equity depending in the Circuit of Lu County
8 State of Virginia. Wherein R. E. Brattan is plaintiff and
9 A. K. Brattan is defendant.

10 Present: -

11 W. J. Horton a witness of lawful age being duly sworn
12 deposes as follows: -

13 Ques/ Please state your age, residence and occupation?

14 Ans. I am 40 yrs of age. My residence Ohio Pyle Fayette Co. Pa.
15 My occupation is that of a lumber merchant,
16

17 Ques/ Please state whether or not you are acquainted with
18 the parties to this suit? if so how long have you been
19 acquainted?

20 Ans. I have been acquainted eleven yrs. with Plff. and since
21 May 1885 with the Defs.
22

23 Ques/ Please state about how long since this Plff. and Deft. have
24 lived together as husband and wife?

25 Ans. My memory serves me they were married in May 1885
26 and were living together the greater portion of the time until
27 late in 1887 or the early part of 1888. being about 2 yrs. a little more
28 or less.
29

30 Q. & Please state whether or not (if you know) A. K. Brattan wilfully
31 deserted and abandoned her husband R. E. Brattan &
32 would not stay at home or live with him?

(over)

and¹ From a personal knowledge, gained by personal observation
2 I know she did not stay at home regular during the first two
3 years of their married life, Further know that late in 1887
4 or early in 1888 (am not clear to date) that she did desert, abandon
5 and abscond from her husband's home. I know further
6 that prior to her final departure, she was arranging to leave
7 because I overheard her so state it to her lady friend, a few
8 days before she left.

Q¹⁰ Please state whether or not R. E. Brattan was good kind
11 affectionate and provided well for his wife during the time
12 they lived together and before the desertion charged in the bill?

Ans¹³ I was at their house a number of times while they lived
14 together, eat at their table and stayed over night in their
15 house. I know personally that he was kind, pleasant, and
16 had plenty of provision when I was there and had the home
17 well furnished with furniture bedding etc &c —

Q¹⁸ Please state whether or not Agnes K. Brattan had any just
19 cause for deserting her husband R. E. Brattan & state all
20 the facts you may know concerning the desertion,
21 abandonment and how long has that desertion continued?

Ans²² I feel confident there was no legal cause for desertion &
23 abandonment, because the deft. told me 3 different
24 times that Plff. treated her well and provided well for the
25 table and furnished the home comfortable and added 'but
26 that kind of life did not suit me'. I know that she
27 deserted and abandoned Mr. Brattan wilfully and
28 without his consent or connivance. It is almost
29 as about 2 1/2 years since she left final. Prior to her
30 final departure she had been gone away on several
31 escapades, usually saying she was going to Pittsburg &c.

1 Allegheny cities

2
3 Ques. Please state as to R. E. Bratton general character? sit

4 good or bad?

ans 5 It is good,

6 And further this deponent saith not

7 W. T. Horton

8
9 State of Pennsylvania

10 County of Fayette

11 Chas. Ryker

12 I George D. Livingston a

13 Justice of the Peace in and for the County and State

14 aforesaid do hereby certify that the foregoing deposition

15 of W. T. Horton was duly taken sworn to and sub-

16 scribed before me at the time and place and for the

17 purpose in the caption mentioned Given under my

18 hand and official seal This the 1st day of June 1894

George D. Livingston J. P.

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

R. E. Bratton - Deft -

vs. Deposition of
W. T. Horton

A. K. Bratton - Deft.

Received by mail in
good condition filed
the 5th day of June
1894 A. B. Munsey
Clerk



1 The deposition of Mrs. Rachel Garlett taken before
2 me George G. Groff a Justice of the Peace in and for the
3 County Somerset and State of Pennsylvania pursuant
4 to order of publication at George G. Groff in the town
5 of Confluence between the hours of 9. A. M. and
6 4 P. M. on the day of ^{June 1st} ~~May~~ 1894 to herad as
7 evidence in behalf of R. E. Bratton in a certain
8 Suit in equity depending in The Circuit Court of
9 Lee County, State of Virginia wherein R. E. Bratton
10 is Plaintiff and A. K. Bratton is defendant,
11 Present.

12 Mrs. Rachel Garlett a witness of lawful age being duly
13 sworn deposes as follows: -

14 Ques. Please state your age, residence and occupation?
15 ans. I Am 38 yrs. of age. my occupation is
16 house keeper.

17
18 Ques. Please state whether or not you are acquainted
19 with the parties to this suit?
20 ans. I am.

21
22 Ques. Please state whether or not R. E. Bratton and his wife
23 A. K. Bratton are now living together, if not, how
24 long since they separated?
25 ans. They are not. They separated about
26 the 1st of 1888, being a little over 6 yrs. ago.

27
28 Ques. State whether or not A. K. Bratton willfully
29 deserted and abandoned her husband R. E. Bratton?
30 ans. I do not know
31
32

Ques. 1 Please state whether or not the desertion you
2 speak of was by the consent or connivance of
3 the plaintiff R. E. Bratten?

Ans. 4 I do not know.

Ques. 7 How long has the desertion ^{and separation} continued?
Ans. 8 About 6 yrs.

Ques. 10 Please state whether or not the defendant A. K.
11 Bratten had any just cause for deserting her husband;
Ans. 12 None at all, to the best of my
13 knowledge

And further this deponent hath not,

14
15
16
17
18
19 another witness of lawful
20 age introduced by Plff. being duly sworn
21 deponent and saith;

Ques. 22 Please state your age, residence and occupation?

Ans. 23

Ques. 24 Are you acquainted with the parties to this
25 suit?

Ans. 26

Ques. 27 Please state all you know about the separation
28 of R. E. & A. K. Bratten, which one deserted
29 was it with or without a just cause?
30 Tell all about it;
31
32

Ans.

Ques
ans.

How long has that Section continued?

And further this deponent saith not,

State of Pennsylvania }
County of Fayette }

I George G. Groff a Justice
of the Peace in and for the County and State aforesaid
do hereby certify that the foregoing depositions of
Mrs Rachel Garlett were duly taken, sworn
to and subscribed before me at the time and
place and for the purposes in the caption mentioned
Given under my hand and seal this the 1st
day of ^{June} May 1894

G. G. Groff

J.P.

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
R. E. Brattan Deft.

vs. Depositions

A. K. Brattan Deft.

Received by mail in
good condition and
filed this the 5th day
June 1894

A. B. Munsey Clk

The Deposition of W.S. Horton taken before
~~George D. Livingston~~
me, a Justice of the Peace in & for the County
of Fayette, State of Pennsylvania pursuant to
order of publication at George D. Livingston in the
city of Ohio Pyle - between the hours of 9 A.M.
& 4 P.M. on the 7th day of Feby. 1894 to be read
as evidence in behalf of R.E. Bratton in a
certain suit in equity depending in the Circuit
Court of Lee County, State of Virginia, wherein in
R.E. Bratton is Plaintiff & A.H. Bratton is
Defendant.

Present:

W.S. Horton a witness of
lawfull age, being duly sworn deposes as
follows:-

Ques. 1st

Please state your age, residence &
occupation.

Ans.

I am 40 years of age. My residence
Ohio Pyle, Fayette Co., Pa. My occupation is that
of a Lumber Merchant.

Ques. 2nd

Please state whether or not you are
acquainted with the to this suit; if so how long
have you been acquainted.

Ans.

I have been acquainted eleven yrs. with
Plff. & since May 1885 with the Dft.

Ques. 3rd

Please state about how long since this Offt. and Wft. have lived together as husband and wife.

Ans.

My memory serves me they were married in May 1885, & were living together the greater portion of the time until late in 1887 or the early part of 1888, being about 2 yrs. a little more or less.

Ques 4th

Please state whether or not (if you know) A. N. Bratton deserted & abandoned her husband R. E. Bratton & would not stay at home.

Ans.

From a personal knowledge, gained by personal observation I know she did not stay at home regular during the first two years of their married life. Further I know that late in 1887 or early in 1888 (am not clear as to date) that she did desert & abscond. I know further, that prior to her final departure, she was arranging to leave because I overheard her so state, it to her lady friend a few days before she left.

Ques. 5th

Please state whether or not R. E. Bratton was good kind & affectionate & provided well for his wife during the time they lived together & before the desertion charged in the bill.

Ans.

I was at their home a number of times while they lived together, eat at their table & stayed over

night in their house. I know personally that he was kind, pleasant & had plenty of provision when I was there & had the home well furnished with furniture bedding &c &c

Ques 6th

Please state whether or not Agnes N. Bratton had any legal cause for deserting her husband R. E. Bratton & state all the facts you may know concerning the desertion abandonment & how long has that desertion continued. Answer fully.

Ans.

I feel confident there was no legal cause for desertion & abandonment, because the Deft. told me 3 different times that Plff. treated her well, & provided well for the table & furnished the home comfortable. And added "but that kind of life did not suit me." It is almost or about six years since she left final. Prior to her final departure she had been gone away on several escapades, usually saying she was going to Pittsburgh & Allegheny cities.

Ques 7th

Please state as to R. E. Bratton's General Character: Is it good or bad.

Ans.

It is good.

And this deponent further saith not

W. J. Horton

State of Pennsylvania
County of Fayette
This is to certify.

I George D. Livingston
a Justice of the Peace in and for the County and
State aforesaid do hereby certify that the
foregoing deposition of W. S. Horton were duly
taken, sworn to & subscribed before me
at the time and place and for the purpose in the
Caption mentioned given under my hand &
seal this the 9th day of February 1894
George D. Livingston J. P.

R. E. Bratton

Deposition

A. M. Bratton

Received by mail and
conditioned February the 13th
1894 and filed

A. B. Munsey
Clerk

Ohio Pyle Pa. June 1st 1894

A. B. Munsey Esq
Jonesville Va
Orlin

In fold please
find the Depositions for Pyle.
In the case of R.E. Bratten vs C.H. Bratten
The delay of 3 or 4 days on these
papers was caused by the absence
of Mr. Troff a J.D.
Sincerely
W. L. Horton

In the Clerk's Office of the Circuit Court of the County of
Lee

R. E. Bratton,

Plaintiff

against

In Chancery

A. H. Bratton.

Defendant

This day

personally appeared

before me,

D. Clerk of the said Court,

and being duly sworn, made oath that

A. H. Bratton

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this

1st day of June

1894

J. A. G. Hyatt D. C.

R. E. Bratton

vs.

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

A. K. Bratton

M. G. Ely p. q.

Filed & Jany 1st
1897
J. A. Wyatt
cc

In the Clerk's Office of the *Circuit* Court of the *County* of
Lee

against *R. E. Bratton*

Plaintiff

In Chancery

A. K. Bratton

Defendant

This day *M. G. Ely* personally appeared
before me, *A. B. Mursey* Clerk of the said Court,
and being duly sworn, made oath that *A. K. Bratton*

defendant in the said suit *is* not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this

14th day of *March* *

1894.

A. B. Mursey Clerk

R. E. Bratton

vs.

}

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

A. K. Bratton

M. G. Ely

p. q.

In the Clerk's Office of the Circuit Court of the County of
Lee on the *14th* day of *March* 18*94*.

against

R. E. Bratton

Plaintiff

In chancery

A. K. Bratton

Defendant

The object of this suit is to *obtain a divorce dissolving the bonds of*
matrimony now existing between plaintiff and defendant

And an affidavit having been made and filed that the defendant

A. K. Bratton is

not a resident of the State of Virginia, it is ordered that *she* do appear here, within *fifteen days*
after due publication hereof, and do what may be necessary to protect *her* interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the *Big Stone Gap*
Post, and that a copy be posted at the front door of the court-house of this *County*
on the first day of the next term of the *County* Court.

A copy—Teste:

M. G. Ely

p. q.

A. Cope

A. B. Mursey

Clerk.

R. E. Bratton

vs.

}

ORDER OF
PUBLICATION.

A. K. Bratton

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *A. R. Bratton*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *May*, 189*4*, to answer a bill in Chancery, exhibited against *her* in our said court by *R. E. Bratton*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *14th* day of *March*, 189*4*, and in the *118th* year of the Commonwealth.

A Copy Teste

A. B. Munsey

Clerk.

A. B. Munsey Clerk

.....
US. { SUBPÆNA
IN CHANCERY.

.....p. q.

To.....Rules,
Circuit Court.

1894

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

A. K. Bratton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *her* Monday in *May*, 1894, to answer a bill in Chancery, exhibited against *her* in our said court by *R. E. Bratton*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *14th* day of *March* 1894, and in the *11^{8th}* year of the Commonwealth.

A. B. Munsey

Clerk.

R. E. Bratton

US.

}

SUBPŒNA
IN CHANCERY.

A. K. Bratton

M. G. Ely

p. q.

To 1st May Rules,

Circuit Court.

Not executed not
found this May th 7-1894
C. E. Flanagan. S. L. C.

Order of Publication Certificate.



Paste copy here.

The Commonwealth of Virginia.
To the Sheriff of the County of Lee Greeting:

WE COMMAND YOU, That you summon A. K. Bratton to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the First Monday in May, 1894, to answer a bill in Chancery, exhibited against her in our said court by R. E. Bratton. And have there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 14th day of March, 1894, and in 118th year of the Commonwealth.

A. B. MUNSEY, Clerk.

In the Clerk's Office of the Circuit Court of the County of Lee, on the 14th day of March, 1894:

R. E. Bratton, Plaintiff
against
A. K. Bratton, Defendant. } In Chancery.

The object of this suit is to obtain a divorce dissolving the bonds of matrimony now existing between plaintiff and defendant. And an affidavit having been made and filed that the defendant, A. K. Bratton is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Big Stone Gap Post, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the County Court.

A copy—Teste:

A. B. Munsey, Clerk.

M. G. Fly, p. q.

Mar 22 18-16

R. E. Bratton

vs.

A. K. Bratton

Publisher's fixed rate of charges: 5 cents per line for each insertion.

Amount of this order, \$ 8.20

Paid by

J. C. Hayes

I, ~~C. M. Harris~~, editor and publisher of the Big Stone Gap Post, a weekly newspaper published in the town of Big Stone Gap, Wise County, Virginia, do certify that the foregoing Order of Publication was duly published in the said newspaper for four consecutive weeks commencing on the 22nd day of ~~March~~, 1894

J. C. Hayes Pub.
Editor the Big Stone Gap Post.

Clerk's Office Circuit Court for ~~Wise~~ County, Va.
I, A. B. Munsey, Clerk of the Circuit Court for ~~Wise~~ county, Virginia, hereby certify that I, on the first day of the County Court of ~~Wise~~ county, at the ~~March~~ term, 1894 thereof, posted a copy of the foregoing Order of Publication at the front door of the court-house of the said county. Given under my hand, this 23rd day of ~~March~~ April, 1894.

A. B. Munsey
Clerk ~~Wise~~ County Circuit Court.

Cl. 62. M. 3. 60 (1837) (1837)

1. The first of these is the fact that the
 2. second of these is the fact that the
 3. third of these is the fact that the
 4. fourth of these is the fact that the
 5. fifth of these is the fact that the
 6. sixth of these is the fact that the
 7. seventh of these is the fact that the
 8. eighth of these is the fact that the
 9. ninth of these is the fact that the
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and not a fiction

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M. G. Ealy
 Filed April the 23rd 1894
 A. B. Munnery
 Clerk

Order of
PUBLICATION
Certificates.

R. E. Bratton
vs { In. Chif—
A. K. Bratton.

Publisher's Fee \$8.20

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For each line
the sum of
Funtelher's notes

1826-1827

Objection for 1890

IN THE CLERK'S OFFICE OF THE
Circuit Court of the County of Lee,
on the 1st day of January, 1894:

R. E. BRATTON, P'tiff, }
Against } IN CHANCERY.
A. K. BRATTON, D'nd't. }

The object of this suit is to obtain a divorce dissolving the bonds of matrimony now existing between Plaintiff and defendant.

And an affidavit having been made and filed that the defendant, A. K. Bratton, is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Tazewell HEAD-LIGHT, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the County Court.

A copy—Teste:

J. A. G. HYATT, D. CLERK.

M. G. ELY, p. q.

This is to certify that the above attached

Order of Publication

in the cause of.....

R E Bratton

VS.

A K Bratton

was published for ~~four~~ successive weeks
in the HEAD LIGHT, a weekly paper published at Graham, Virginia, beginning with
the issue of *Jan. 17* 189*4*.

Publishers Fee \$ *6.25*

Head Light Pub Co Publishers.

Per *A. F. Newricks*

Graham, Virginia, *Feb 21* 189*4*